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EXAMINER

NGUYEN, BRIAN D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2661

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,256

Applicant(s)

INBAR ET AL.

Examiner

Brian D Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 1/5/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 17-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 17-27 are objected to because of the following informalities:

Claim 17, line 12, "external requests" seems to refer back to "external requests" recited in line 9. If this is true, it is suggested to change "external requests" to ---said external requests--- and insert "from the interface" after "user identification request" in line 13.

Claim 26, it is suggested to insert "communication management" before "device" in line 5 and insert "connection management" before "device" in line 15.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recite the limitation "a similar device" in line 3 is unclear what device is compared to.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-2, 4-8, 11-12, 14-16, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutton et al (6,108,704) in view of Gerszberg et al (6,044,403).

Regarding claims 1-2, 4-7, 11-12, 14-16, and 28, Hutton discloses a system and a method for managing communication with remote subscribers in which a subscriber (21) requests an IP address corresponding to the remote subscriber (22) to an external location (24) and recording a response thereto. The subscriber setups a peer to peer connection with the remote subscriber then uses the IP address for communicating with the remote subscriber (see abstract; figure 1; elements 64-72 of figure 8). Hutton does not specifically disclose a subscriber is connected to a hub where the hub is connected to a plurality of electronic devices. However, this configuration is well known in the art. Gerszberg discloses a plurality of electronic devices connected to a hub in a LAN (see figure 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the subscriber connected to hub in a LAN as taught by Gerszberg in the system of Hutton so that a remote subscriber can communicate with more electronic devices.

Regarding claim 8, Hutton in view of Gerszberg discloses all the claimed subject matter as described in previous paragraph except for using a backup power supply. Official Notice is taken that both the concept and advantage of using a backup power supply is well known and expected in the art. It would have been obvious to use the backup power supply in order to keep the system running when the main power is down.

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6. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutton et al (6,108,704) in view of Gerszberg ((6,044,403) as applied to claims 1 above, and further in view of Gordon (5,608,786).

Regarding claims 9-10, Hutton in view of Gerszberg discloses all the claimed subject matter as described in previous paragraph except for the use of encryption and decryption. However, Gordon teaches the use of encryption and decryption (see col. 9, lines 18-23). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the encryption and decryption as taught by Gordon in the system of Hutton with the motivation being to protect data network.

7. Claims 13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutton et al (6,108,704) in view of Gerszberg ((6,044,403) as applied to claims 1 above, and further in view of Tanaka et al (2001/0025275).

Regarding claims 13 and 29, Hutton in view of Gerszberg discloses all the claimed subject matter as described in previous paragraph except for billing mechanism. However, Tanaka teaches the use of billing mechanism (see paragraph 0090). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the billing mechanism as taught by Tanaka in the system of Hutton with the motivation being to charge the user based on what they use.

Allowable Subject Matter

8. Claims 17-27 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

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Response to Arguments

9. Applicant's arguments with respect to claims 1-2, 4-16, and 28-29 have been considered but are moot in view of the new ground(s) of rejection. Note that the claimed invention does not disclose utilizing the connection for control of electronic devices.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Brian Nguyen

3/21/04